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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,841	01/30/2004	Tomoyuki Yamamoto	09812.0159-01	7117

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EXAMINER
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SCHNURR, JOHN R

ART UNIT	PAPER NUMBER
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2623

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01/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/768,841	YAMAMOTO, TOMOYUKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	John R. Schnurr	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 43-59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>01/30/2004</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to the Request for Continued Examination of Application No. 10/768,841 filed 12/11/2007. Claims 43-59 are pending and have been examined.
2. The information disclosure statement (IDS) submitted on 01/30/2004 was considered by the examiner.

### ***Response to Arguments***

3. Applicant's arguments filed 12/11/2007 have been fully considered but they are not persuasive.

In response to applicant's arguments (page 9 paragraph 1 to page 11 paragraph 1 of the Remarks) that Hassell (US Patent Application Publication 2005/0278771) and Eyer (US Patent 6,588,015) fail to render the claimed invention obvious, the examiner respectfully disagrees. Applicant argues, with respect to claim 1, that Eyer does not disclose selecting a position within a first content or skipping to the second content based on the duration of a user input. Eyer clearly teaches reverse and fast forward buttons that rewind or fast forward the video by a certain amount based on the duration of the user input (col. 7 lines 43-45, 54-56). This satisfies the condition of selecting a position within the first content item dependent on the duration of the user input. Eyer further teaches that the input duration may be long enough to move beyond the current track to a different track, applicant indicates agreement with this position on page 10 paragraph 3 of the Remarks. This "skips" from the current track to a different track.

The term "skip" was not defined in claimed invention to exclude moving through the video, via a rewind or fast forward action, as argued by the applicant.

In response to applicant's arguments (page 11 paragraph 3 to page 12 paragraph 2 of the Remarks) that Durlach (US Patent 6,807,367) fails to teach "wherein whether the selection means skips to the second content item or selects the position within the first content item depends on a duration of the user input", Durlach was simply included to teach a display showing the current position of the video being displayed.

In response to applicant's arguments (page 12 paragraph 3 to page 13 paragraph 2 of the Remarks) that Maissel (US Patent Application Publication 2003/0088872) fails to teach "wherein whether the selection means skips to the second content item or selects the position within the first content item depends on a duration of the user input", Maissel was simply included to teach a ordering the content items based on a viewer preference profile.

In response to applicant's arguments (page 13 paragraph 3 to page 15 paragraph 1 of the Remarks) that Schein (US Patent 6,323,911) fails to teach "wherein whether the selection means skips to the second content item or selects the position within the first content item depends on a duration of the user input", Schein was simply included to teach calculating change value.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **43, 46, 48, 49, 50, 51, 54, 56, 57, 58 and 59** are rejected under 35 U.S.C.

103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication**

**2005/0278771)**, herein Hassell, in view of **Eyer et al. (US Patent 6,588,015)** herein

Eyer.

Consider **claim 43**, Hassell et al. clearly teach an apparatus, comprising:

storing means for storing a plurality of content items, the plurality of content items including a first content item and a second content  
**(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

input means for receiving a user input; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

reproducing means for reproducing the first content item; **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])**

selection means for skipping to the second content item, or selecting a position within the first content item; **(The user may fast-forward or rewind to a position within the program, [0040].)**

However, Hassell does not explicitly teach wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input.  
**(The amount of fast-forwarding or rewinding is a function of the duration in which the button is depressed, column 7 lines 39-56.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by selecting a

position in the content item based on the duration of user input, as taught by Eyer, for the benefit of enhancing user control of the content.

Consider **claim 46**, Hassell combined with Eyer, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the position within the first content item is selected by one of fast forward, rewind, slow, replay or scene jump. **(The user operation can include fast-forward, rewind, pause, stop or the like. [0040])**

Consider **claim 48**, Hassell combined with Eyer, as in claim 43, clearly teaches a recorded program schedule displaying apparatus;

The program schedule displaying apparatus according to claim 43 (Fig. 5b shows a program guide displaying recorded contents.), wherein: the plurality of content items are programs provided via ground stations, satellite stations, wireless network or wired network. **(Fig. 1 : Link 18 may be a satellite link, a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, or any other suitable communications path. [0016])**

Consider **claim 49**, Hassell combined with Eyer, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the plurality of content items are comprised of visual and sound data. **(The programs received by the STB are comprised of video and audio data. [0021])**

Consider **claim 50**, Hassell combined with Eyer, as in claim 43, clearly teaches a recorded program schedule displaying apparatus, wherein:

the plurality of content items are multimedia data or replay application programs. **(The contents received by the STB include program listings, programs (audio/video) and program data. [0024])**

Consider **claim 51**, Hassell et al. clearly teach a method, comprising:

storing a plurality of content items, the plurality of content items including a first content item and a second content; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

receiving a user input; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

reproducing the first content item; **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])**

skipping to the second content item, or a position within the first content item; **(The user may fast-forward or rewind to a position within the program, [0040].)**

However, Hassell does not explicitly teach wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input. **(The amount of fast-forwarding or rewinding is a function of the duration in which the button is depressed, column 7 lines 39-56.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by selecting a position in the content item based on the duration of user input, as taught by Eyer, for the benefit of enhancing user control of the content.

Consider **claim 54**, Hassell combined with Eyer, as in claim 51, clearly teaches a recorded program schedule displaying apparatus, wherein:

said user operation is fast forward, rewind, slow, replay or scene jump. **(The user operation can include fast-forward, rewind, pause, stop or the like. [0040])**

Consider **claim 56**, Hassell combined with Eyer, as in claim 51, clearly teaches a recorded program schedule displaying apparatus, wherein:

The program schedule displaying method according to claim 51 (Fig. 5b shows a program guide displaying recorded contents.), wherein:  
said contents are programs provided via ground stations, satellite stations, wireless network or wired network. (Fig. 1: Link 18 may be a satellite link, a telephone network link, a cable or fiber optic link, a microwave link, a combination of such links, or any other suitable communications path. [0016])

Consider **claim 57**, Hassell combined with Eyer, as in claim 51, clearly teaches a recorded program schedule displaying apparatus, wherein:

said contents are comprised of visual and sound data. **(The programs received by the STB are comprised of video and audio data. [0021])**

Consider **claim 58**, Hassell combined with Eyer, as in claim 51, clearly teaches a recorded program schedule displaying apparatus, wherein:

said contents are multimedia data or replay application programs. **(The contents received by the STB include program listings, programs (audio/video) and program data. [0024])**

Consider **claim 59**, Hassell et al. clearly teach a computer readable medium comprising instructions for causing a processor to execute a method **(The use of a processor executing instructions is inherent in a set-top box.)**, comprising:

storing a plurality of content items, the plurality of content items including a first content item and a second content; **(Programs are recorded onto digital storage device 31 of Fig. 2. [0020])**

receiving a user input; **(Signals from remote control 40 of Fig. 2 are received at the set-top box and processed to control operation of the stored programs. [0039])**

reproducing the first content item; **(Television 36 of Fig. 2 receives video signals from digital storage device 31. [0022])**

skipping to the second content item, or a position within the first content item; **(The user may fast-forward or rewind to a position within the program, [0040].)**

However, Hassell does not explicitly teach wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input.

In an analogous art Eyer, which discloses a system for playing digital media, clearly teaches wherein the selection means selects the second content item or the position within the first content item based on a duration of the user input. **(The amount of fast-forwarding or rewinding is a function of the duration in which the button is depressed, column 7 lines 39-56.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Hassell by selecting a position in the content item based on the duration of user input, as taught by Eyer, for the benefit of enhancing user control of the content.

6. Claims **44 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)**, in view of



**Eyer et al. (US Patent 6,588,015)**, as applied to claims 43 and 51 above, and further in view of **Durlach (US Patent 6,807,367)**.

Consider **claim 44**, Hassell combined with Eyer, as in claim 43, clearly teaches a recorded program schedule displaying apparatus with a play segment indicator 135 as shown in Fig. 12b;

However, Hassell combined with Eyer, as in claim 43, do not explicitly teach a display showing the current position of the video being displayed. Specifically, Hassell et al. do not teach:

displaying means for displaying an indicator of current replaying position.

In the same field of endeavor Durlach, which discloses a system for displaying video, clearly teaches;

said displaying means displays an indicator of current replaying position.  
**(Fig. S4 Current Location Indicator 206, see Column 13 Lines 26-36.)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the video progress meter, as taught by Durlach, in the system disclosed by Hassell combined with Eyer, as in claim 43, for the advantage of providing convenient control of frame advance with in a movie (see Column 5 Lines 16-21 of Durlach).

Consider **claim 52**, see claim 44.

7. Claims **45 and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable.

over **Hassell et al. (US Patent Application Publication 2005/0278771)**, in view of

**Eyer et al. (US Patent 6,588,015)**, as applied to claims 43 and 51 above, and further in

view of **Maissel et al. (US Patent Application Publication 2003/0088872)**, herein

**Maissel**.

Consider **claim 45**, Hassell combined with Eyer, as in claim 43, clearly teaches a recorded program schedule displaying apparatus with a variety of program classification criteria, wherein:

content classifying means for classifying the stored plurality of content items in accordance with a broadcasting time sequence, **(Programs can**

**be classified using any pre-defined organization criteria, [0037], one such pre-defined criteria is program times as transmitted from the main facility 12 of Fig. 1 to the user television equipment 22, [0017].)**

Hassell further teach that the organization criteria may be any user-defined criteria. However, Hassell combined with Eyer, as in claim 43, do not explicitly teach the use of user preferences or viewing history. Specifically, Hassell combined with Eyer, as in claim 43, do not teach:

order of recommendation rating for the user preference, or past viewing history of the user.

In the same field of endeavor Maissel, which discloses a recording system for digital television, clearly teaches;

order of recommendation rating for the user preference, or past viewing history of the user. **(A viewer preference profile is created indicating types of programs preferred by the viewer. Maissel [0173])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the viewer preference profile, as taught by Maissel, in the system disclosed by Hassell combined with Eyer, as in claim 43, for the advantage of customizing an electronic program guide for an individual user (see [0045] of Maissel et al.).

Consider **claim 53**, see claim 45.

8. Claims **47 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hassell et al. (US Patent Application Publication 2005/0278771)**, in view of **Eyer et al. (US Patent 6,588,015)**, as applied to claims 43 and 51 above, and further in view of **Schein et al. (US Patent 6,323,911)**, herein Schein.

Consider **claim 47**, Hassell combined with Eyer, as in claim 43, clearly teaches a recorded program schedule displaying apparatus with a variety of program classification criteria.

However, Hassell combined with Eyer, as in claim 43, do not explicitly teach acquiring the current time and using it to calculate a Value when a user input is received. Specifically, Hassell combined with Eyer, as in claim 43, does not teach:

current time acquiring means for acquiring current time; and

calculating means for calculating change value comparing said Current time when receiving said user operation.

In the same field of endeavor Schein, which discloses a system for displaying television schedule information, clearly teaches;

current time acquiring means for acquiring current time; **(The current time is obtained by the EPG and displayed in the lower right corner as shown in Fig. 4A. Schein et al.)** and

calculating means for calculating change value comparing said current time when receiving said user operation. **(When the user enters the EPG, via input from the remote control device 2 of Fig. 1, the current time is used to calculate the portion of the program that has already been played. Schein et al. Column 9 Lines 13-18)**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included the calculation of the amount of the program already played, as taught by Schein, in the system disclosed by Hassell combined with Eyer, as in claim 43, for the advantage of visually indicating the time remaining in each program (see Column 2 Lines 44-60 of Schein et al.).

Consider **claim 55**, see claim 47.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R. Schnurr whose telephone number is (571) 270-1458. The examiner can normally be reached on Monday - Friday, 7:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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